

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

**SALVATORE
ARGENTINO,**

Appellant
v.

**CITY OF GLOUCESTER
AND HUMAN
RESOURCES DIVISION,**

Respondents

Case No.: E-12-353

ORDER OF DISMISSAL

On March 22, 2011, the City of Gloucester (City) accepted G.L. c. 31, § 58A, which provides that: “no person shall be eligible to have his name certified for original appointment for the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination.”

On April 30, 2011, the Appellant (Mr. Argentino) took and passed the civil service examination for police officer. Mr. Argentino was thirty-three years and nine months old at the time of the examination. Since he had reached his thirty-second birthday at the time of the examination, he was not eligible to have his name certified for original appointment as a police officer in Gloucester.

Since the City failed to notify the state’s Human Resources Division (HRD) that it had accepted Section 58A, Mr. Argentino’s name was erroneously placed on the eligible list of candidates for Gloucester police officer and his name was erroneously placed on a certification of names sent to the City on September 19, 2012 when the City was attempting to fill seven (7) police officer vacancies.

It was not until several weeks later, after he had completed the application for employment, that the City informed Mr. Argentino that he was ineligible because he had reached his thirty-second birthday as of the March 22, 2011 examination.

While Mr. Argentino is understandably frustrated that he was not informed about the City’s acceptance of Section 58A much earlier in the process, the plain language of the statute makes him ineligible for appointment as a Gloucester police officer and no relief by the Civil Service Commission is warranted. For this reason, his appeal is *dismissed*.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on January 24, 2013.

A True Record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(1), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision.

Notice to:

Salvatore Argentino (Appellant)

Suzanne Egan, Esq. (for Respondent)

Ernest Law, Esq. (for HRD)